

[List of Counsel Appears Below]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, a California corporation,

Plaintiff,

v.

MICRO THERAPEUTICS, INC., a Delaware
corporation, DENDRON GmbH, a German
corporation, and ev3 Inc., a Delaware corporation,

Defendants and Counterclaim
And Third Party Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION, a
Delaware corporation, and TARGET
THERAPEUTICS, INC., a Delaware corporation,

Third Party Defendants.

Case No.: C 03 05669 (JW) (RS)

STIPULATION AND [PROPOSED]
ORDER REGARDING
PRODUCTION OF JUNE 3, 1996
LETTER

It is hereby stipulated and agreed by and between Plaintiff and Counterdefendant
The Regents of the University of California (“The Regents”) and Defendants, Counterclaim
Plaintiffs, and Third Party Plaintiffs Micro Therapeutics, Inc., ev3 Inc., and Dendron GmbH
(collectively “MTI”), through their respective counsel of record as follows:

On June 6, 2007, Judge Ware entered an Order Sustaining Defendants’ Objection to
Magistrate Judge Seeborg’s Order Denying Defendants’ Motion to Compel Production of
Documents (Dkt. No. 710) directing The Regents to produce two withheld documents

1 pertaining to the translation of the “1983 Bari Paper.” On July 13, 2007, Magistrate Judge
 2 Seeborg entered an Order Re Motion to Compel UC to Produce Unredacted Documents (Dkt.
 3 No. 811), which ordered The Regents to produce unredacted copies of two documents
 4 relating to The Regents’ search for a doctoral thesis purportedly authored by a cousin of Dr.
 5 Guido Guglielmi, bearing Bates Nos. UCR041068-69 and UCR041076-80 (a June 3, 1996
 6 letter from The Regents’ patent lawyer, Daniel Dawes, to Valentin Fikovsky (copying, inter
 7 alia, Target’s then-president and patent attorneys)), except as to any material wholly
 8 unrelated to the search for the thesis. *See id.* at 6.

9 In response to the July 13, 2007 Order of Judge Seeborg, The Regents produced the
 10 June 3, 1996 letter, unredacted in part. MTI has requested that The Regents produce the
 11 entirety of the June 3, 1996 letter. MTI’s position is that the subject matter of the redacted
 12 portion appears to directly relate to a subject expressly covered in the prior Orders (i.e., the
 13 purported “independent” translation of the 1983 Bari Paper and/or the search for thesis) and,
 14 accordingly, that the unredacted letter must be produced. The Regents disputes MTI’s
 15 interpretation of the scope of the Orders.

16 In order to resolve this matter, The Regents has agreed to produce a fully unredacted
 17 copy of the June 3, 1996 letter. The parties agree that the production of this letter shall be
 18 deemed to have been ordered by the Court and that this production will not constitute
 19 grounds to argue any further waiver of the attorney client privilege or work product
 20 protection.

21
 22 **IT IS SO STIPULATED.**

23 **ATTESTATION**

24 Concurrence in the filing of this document has been obtained from the other signatories.

25
 26 DATED: August 6, 2007

By: /s/ Michelle M. Umberger
 HELLER EHRMAN LLP
 John S. Skilton (*Pro Hac Vice*)
 John.Skilton@Hellerehrman.com
 David J. Harth (*Pro Hac Vice*)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

David.Harth@Hellerehrman.com
Michelle M. Umberger (*Pro Hac Vice*)
Michelle.Umberger@Hellerehrman.com
Gabrielle E. Bina (*Pro Hac Vice*)
Gabrielle.Bina@Hellerehrman.com
David L. Anstaett (*Pro Hac Vice*)
David.Anstaett@Hellerehrman.com
Lissa R. Koop (*Pro Hac Vice*)
Lissa.Koop@Hellerehrman.com
Autumn N. Nero (*Pro Hac Vice*)
Autumn.Nero@Hellerehrman.com
One East Main Street, Suite 201
Madison, WI 53703
Telephone: (608) 663-7460
Facsimile: (608) 663-7499

HELLER EHRMAN LLP
Michael K. Plimack (Bar No. 133869)
Michael.Plimack@Hellerehrman.com
333 Bush Street
San Francisco, CA 94104-2878
Telephone: (415) 772-6000

Attorneys for Defendants/Counterclaimants and Third
Party Plaintiffs MICRO THERAPEUTICS, INC.,
DENDRON GmbH and ev3 INC.

DATED: August 6, 2007

By: _____/s/ Patrick E. Premo
FENWICK & WEST LLP
Lynn H. Pasahow (Bar No. 054283)
lpasahow@fenwick.com
Patrick E. Premo (Bar No. 184915)
ppremo@fenwick.com
Silicon Valley Center
801 California Street
Mountain View, California 94041
Telephone: (650) 988-8500

Attorneys for Plaintiff/Counter-defendant
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA

ORDER

Pursuant to the stipulation, it is so ordered.

Dated: August 13 2007


The Honorable James Ware
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28